

Office of the Commissioner
Department of Employee Relations

PERSL #1366
MEMO

TO: HRDP

FROM: Julien C. Carter

DATE: March 22, 2002

RE: Interpretation of Minnesota Statute 43A.046- Staff Reductions

I have had a number of agencies that have contacted DOER regarding interpretation of MS§43A.046.

MS §43A.046 Staff Reductions.

In order to maximize delivery of services to the public, if layoffs of state employees are necessary, each agency¹ with more than 50 full-time equivalent employees² must reduce at least the same percentage³ of management and supervisory personnel as line and support personnel.

This memo is to clarify the following interpretation that was issued in August of 1995 by Commissioner Bruce Johnson:

The Department of Employee Relations has interpreted this language to mean that the proportional reduction of managerial and supervisory personnel may occur over the period of the biennium. By June 30, 1997, the reduction in managerial and supervisory personnel must be proportionate to the reduction of line and support personnel that occurred during that biennium. Second, the reduction of managerial and supervisory personnel may occur in several ways including layoffs, voluntary demotions, transfers to non-managerial or supervisory positions, the abolishment of a newly vacated managerial or supervisory position, etc. Finally, managerial and supervisory will be grouped together for purposes of calculating the proportionate reductions.

Clarification

The period for compliance will be the biennium in which the layoffs of line and support personnel have occurred. Upon written request, the Commissioner may authorize additional time for an agency to comply with MS §43A.046.

¹ 43A.02 Subd. 2. **Agency.** "Agency" means a department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority³.

² 43A.02 Subd. 21. **Employee.** "Employee" means any person currently occupying, or on leave from, a civil service position.

³ 43A.02 Subd. 5. **Appointing authority.** "Appointing authority" means a person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service⁴.

⁴ 43A.02 Subd. 10. **Civil service.** "Civil service" means all employees in the legislative, judicial and executive branches of state government and all positions in the classified and unclassified services as provided in sections [43A.07](#) and [43A.08](#).

The proportional staff reduction required by MSS 43A.046 will be determined on an agency basis. If appointing authority has been delegated to a facility or college, the proportional staff reduction will be on a facility or college basis. The definitions you use for proportional layoff must be the same as those you use wherever the terms “agency” and “Appointing Authority” appear in statute, contracts and plans (e.g., discretionary probation, bumping by unrepresented employees, referral of promotional candidates). Reductions of personnel in positions that occurred in previous biennia may be included in calculations if the agency can demonstrate the reductions were part of plans that include reductions in the current biennium.

For the purposes of this statute, “management” and “supervisory” positions are those that are designated as such on the tab titled Status/Titles under the Manage Positions window in the SEMA4 system. It is recommended that each agency verify the data for accuracy.

If you have any questions or comments, please do not hesitate to contact me at 651-296-3095.

¹ 43A.02 Subd. 2: “**Agency**” means a department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority⁴.

² 43A.02 Subd. 21: “**Employee**” means any person currently occupying, or on leave from, a civil service position.

³ “**Percentage**” means an indeterminate part or proportion.

⁴ 43A.02 Subd. 5. : “**Appointing authority**” means a person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service⁵.

⁵ 43A.02 Subd. 10: “**Civil service**” means all employees in the legislative, judicial and executive branches of state government and all positions in the classified and unclassified services as provided in sections [43A.07](#) and [43A.08](#).